



Indigenous Planning in New Zealand: An Analysis of the Recent Developments and their Theoretical Context

Angelika SCHODER¹

¹Postgraduate Student

Master of Natural Resources Management and Ecological Engineering (NARMEE)
University of Natural Resources and Life Sciences (BOKU), Vienna, Austria
Lincoln University, Christchurch, New Zealand

ABSTRACT

The article aims to show how indigenous planning in New Zealand has developed over the last two and a half decades – both in relation to the evolution of general statutory planning and to relevant planning theories. Additionally, the article examines the effectiveness of Ngai Tahu's iwi planning documents. The revoked Runanga Iwi Act 1990, the Resource Management Act 1991, the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and the Marine and Coastal Area (Takutai Moana) Act 2011 each contain provisions for iwi planning. This can be linked to overarching politics of devolution and neoliberalism, as well as to a more collaborative and participatory approach to planning in general. However, some authors criticize iwi-based indigenous planning for its inaptitude to capture diverse Maori realities and identify it as a structuralist and pragmatic concept. Looking at the effects of Ngai Tahu's iwi planning documents on the South-West Christchurch Area Plan no influence on specific issues can be identified. Based on postmodern and poststructuralist planning theory, suggested improvements to Te Runanga o Ngai Tahu Freshwater Policy are to address more explicitly how it shall be implemented, to use a more distinctive indigenous approach, and to pay particular attention to the "contact zone" – that is, the cultural interface. Based on these findings the conclusion is drawn that recent developments in New Zealand show, to a certain degree, attempts at including postmodern approaches in the form of empowerment and participation of indigenous people. However, there are still shortcomings in turning this intention into practice, mainly due to the rational fundamentals of the planning system and to the difficulty of integrating alternative concepts of spatial governance.

Keywords: indigenous planning, iwi planning documents, Maori, New Zealand, planning theory

1. INTRODUCTION

Postcolonial planning systems face the challenge of diverging interests in and perceptions of space when indigenous rights become involved (Howitt and Lunkapis, 2010). The conventional modernist approach to planning tends to neglect these issues and to deal with them in a paternalistic, top-down manner that restricts real participation and customary activities of indigenous people (ibid). New Zealand has a long history of considering Maori interests in planning activities, which goes back until the Treaty of Waitangi was signed in 1840 (Lashley, 2000). As iwi – tribal collectives – are the entities usually considered as adequate for taking part in those activities (Lashley, 2000; Maaka and Fleras, 2005), the

terms "indigenous planning" and "iwi planning" are often used synonymously in the further course of the article; however, being aware that both expressions are contested concepts themselves (Howitt and Lunkapis, 2010; Maaka and Fleras, 2005).

The purpose of this article is to illustrate the development of indigenous planning in New Zealand over the last two and a half decades, starting with the Runanga Iwi Act 1990 (RIA). Further legal documents considered are the Resource Management Act 1991 (RMA), the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (WTRCSA), and the Marine and Coastal Area (Takutai Moana) Act 2011 (MCAA). The first section explains and compares

the provisions for iwi planning under these Acts, and relates them to the evolution of general statutory planning in New Zealand. Based on this background, the effectiveness of Ngai Tahu's planning documents on structural planning for one of Christchurch's main growth areas is examined in the second section, and subsequently possible improvements are identified. Both sections link their findings to planning theories, leading to conclusions about the underlying philosophy in New Zealand's approach to indigenous planning. Ultimately, the aim is to answer the question whether the recent developments indicate a departure from the traditional modernist concept, towards more subversive forms of indigenous planning – that is, whether indigenous planning in New Zealand means planning *for* or planning *by* indigenous people (Howitt and Lunkapis, 2010).

2. THE DEVELOPMENT OF INDIGENOUS PLANNING IN NEW ZEALAND

2.1. The RIA and its provisions for iwi planning

The RIA was adopted in 1990 under the Fourth Labour government in the wake of a general endeavor at public sector reform and devolution (Lashley, 2000). Its aims are:

- (a) To acknowledge the enduring, traditional significance and importance of the iwi; and*
- (b) To identify the characteristics by which iwi are to be recognised for the purposes of this Act; and*
- (c) To provide for the incorporation of runanga to represent iwi in accordance with charters prepared by iwi; and*
- (d) To provide a process for the resolution of conflicts that may arise within an iwi or between incorporated runanga; and*
- (e) To provide for the registration by any iwi of a body corporate as the authorised voice of the iwi" (RIA, Preamble).*

Thus, it mainly provides for the formalities around application, incorporation, and liquidation of runanga and other authorised voices of iwi, which lies within the province of the Maori Land Court. This would have resulted in a form of subnational governance, connecting the state with tribal entities for developing social programs at the community level (Lashley, 2000). However,

before substantive implementation, the Act was revoked under the following National Party government with the Runanga Iwi Act Repeal Act 1991. According to Winston Peters, Minister of Maori Affairs at that time, the reasons for the repeal were the RIA's implication that government can dictate to Maori how to define tribal territories, that it was developed without consultation of Maori representatives and thus not accepted by them, that it would lead to "inundation" with numerous further institutions requiring public funding, that it fails to efficiently address social and economic problems of Maori, and that it does not account for Maori without any tribal affiliation (McSoriley, 2007). Furthermore, opponents criticize that it places iwi as subordinate to the state in decision making, which contradicts the equal party concept of the Treaty of Waitangi (Lashley, 2000).

Provisions for iwi planning under the RIA are found in Section 77, which states that runanga or authorised voices can at any time prepare *iwi management plans* for the iwi they represent. These are documents that provide "a resource management planning overview of those matters that are of significance for the organisation and development of the iwi" (RIA, Section 77(2)).

2.2. Further provisions for iwi planning in New Zealand legislation: RMA, WTRCSA, and MCAA.

Like the RIA, the RMA falls under the devolutionary reform at the end of the 20th century (Lashley, 2000; McSoriley, 2007). Again, there is the notion of an "iwi authority" having the right to represent that iwi (RMA, Section 2(1)). Local authorities can transfer some of their powers under the RMA to iwi (ibid, Section 33) or make joint management agreements (ibid, Section 36B), and must therefore keep records about iwi and hapu in their region or district, including planning documents recognized by these groups (ibid, Section 35A). The latter have to be considered by regional and territorial authorities during plan preparation (ibid, Sections 61(2A) and 74(2A)). These *iwi planning documents* replaced the iwi management plans, which were provided for in the RIA, and initially also in the RMA (McSoriley, 2007).

The WTRCSA, in contrast to the previous two Acts, is as a whole dedicated to restoring the

relationship between the Waikato-Tainui tribe and the Waikato River, which has been disturbed by past development of towns, agriculture, resource extraction, and hydropower along that river (see e.g. WTRCSA, Preamble and Section 4). To implement the vision and strategy of this Act it provides for the establishment of the Waikato River Authority, (WTRCSA, Section 22), which consists of both iwi and Crown members (Mutu, 2010; WTRCSA, Schedule 6(2)). Further important features of the Act are its focus on an integrated river management plan (WTRCSA, Sections 35-38) and joint management (ibid, Sections 41-55). Moreover, the Waikato River Authority may prepare an environmental plan in consultation with Waikato-Tainui marae (ibid, Section 39). Looking at these provisions, it can be argued that the WTRCSA focuses less on tribal entities than the RIA and RMA, but incorporates both iwi and non-iwi into one authority. However, this might lead to a dilution of iwi interests, and some Maori feel that their claims are not sufficiently acknowledged and that they have “[...] only a limited say in the management of the river” (Mutu, 2010, 182).

The WTRCSA recognizes customary activities (WTRCSA, Sections 56-63); and so does the MCAA, which replaces the Foreshore and Seabed Act 2004, that was heavily criticized because it was perceived to eliminate the before mentioned activities (Makgill and Rennie, 2011; MCAA, Preamble). The MCAA focuses on a “common marine and coastal area” (MCAA, Part 2) and states that:

“A customary marine title group has a right to prepare a planning document in accordance with its tikanga.” (ibid, Section 85(1))

Regional councils not only have to take these planning documents into account, but have to take positive action to make changes to regional plans and policies if necessary, which shifts considerable weight to iwi planning and contrasts with the provisions for balancing interests and public participation in the RMA (Makgill and Rennie, 2011).

3. IWI PLANNING IN THE LARGER POLITICAL AND THEORETICAL CONTEXT

Linking statutory Maori planning to the evolution of general statutory planning in New Zealand since the 1980s, two major common threads can be found, namely devolution (McKinlay, 1990; Lashley, 2000) and neoliberalism (Lashley, 2000; Webster, 2002). Devolution is (at least rhetorically) accompanied by collaborative and participatory planning and decision-making (McKinlay, 1990), and provisions for this can be found in all of the four Acts, as described above.

Incorporating indigenous rights into New Zealand’s planning system has mainly been a response to Maori protest against injustice and marginalization in the 20th century (Lashley, 2000). Connecting this with critical postpositivist planning theories (Huxley, 2010) as well as identifying characteristics of the political-economic mobilization paradigm (Lawrence, 2000) would therefore be an obvious step. Nonetheless, it must be observed in this context that devolution is not synonymous with Maori self-determination (Jones, 1990), and drawing conclusions whether iwi planning is consistent with indigenous rights and meets Maori needs and aspirations requires a closer investigation of the legal documents and their implementation.

Planning provisions in the RIA, RMA, and MCAA put a strong emphasis on tribal entities, while the WTRCSA focuses less on iwi and hapu, which seems surprising given the fact that Maori interests are in the center of this Act. However, a tribal approach to planning is not without criticism. Maaka and Fleras (2005) argue that the importance of the hierarchical structure of iwi, hapu and whanau – most notably formalized in the RIA – is a colonial construct that fails to account for the complexity, dynamics, and fluid nature of Maori social and political relationships. They call iwi-based management a “structuralist” concept which has been chosen by the government because it fits well into the political, legal, and economic system (Maaka and Fleras, 2005); thus the European concept is regarded as the baseline for conducting public affairs (O’Sullivan, 2007). Relating this to planning theory, structuralism fits well with rational and pragmatic approaches to planning (Lawrence, 2000) – to the former because it relies on formal organizations and processes, and to the latter

because it is a convenient way of including Maori interests into planning without carrying out major political reforms. As a logical consequence Maaka and Fleras (2005) suggest “poststructuralism” as a way of capturing diverse Maori realities, which can be seen as compatible with postmodern and postpositivist planning theories (Allmendinger, 2002; Popke, 2003).

A further critical aspect of iwi planning concerns its status as compared to other planning authorities. On the one hand, it has been argued that the RIA and RMA (Lashley, 2000) as well as the WTRCSA (Mutu, 2010) place iwi as subordinate to the state and do not recognize that they are autonomous authorities in their own right. On the other hand, the MCAA gives iwi planning a special status and disproportionate influence. This raises the normative question of how much power iwi *should* have, and whether it is appropriate to create “[...] two parallel but separate sets of law governing resource use and development [...]” (Makgill and Rennie, 2011, 7) within one nation and under the aim of sustainable provisions for participatory planning under the RMA (ibid).

This discussion forms the basis for the subsequent consideration of Ngai Tahu’s iwi planning documents and their application in structural planning for the South-West Christchurch Area.

4. STATUTORY PLAN ANALYSIS: NGAI TAHU’S IWI PLANNING DOCUMENTS

Ngai Tahu are a tribal collective that cover wide ranges of the South Island. They are represented by Te Runanga o Ngai Tahu and several local runanga (Te Runanga o Ngai Tahu, 1996). This section refers to three iwi planning documents prepared by this group:

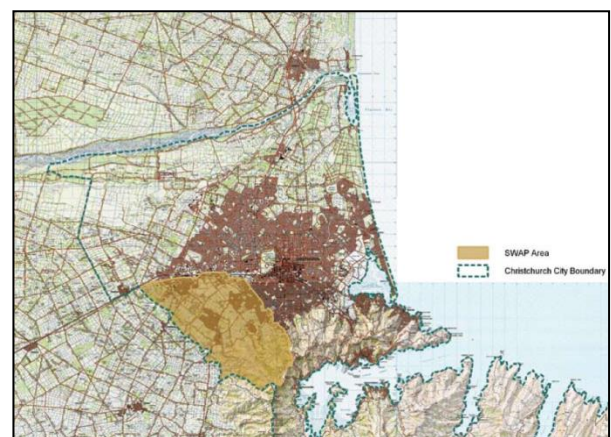
- *Ngai Tahu 2025* (Te Runanga o Ngai Tahu, 2001), which is the main strategic document that provides for the tribal development of Ngai Tahu;
- The *Freshwater Policy* (Te Runanga o Ngai Tahu, 1999), which is an official iwi planning document for the RMA and outlines Ngai Tahu’s approach to management of freshwater resources; and

- *Te Waihora Joint Management Plan* (Te Runanga o Ngai Tahu, 2005), which sets the frame for joint management of Te Waihora / Lake Ellesmere by iwi and the Department of Conservation.

This section aims to describe how these documents have affected the South-West Christchurch Area Plan (SWAP – CCC, 2009) and to suggest improvements for enhancing the effectiveness of the *Freshwater Policy*, based on postmodern and poststructuralist planning theory.

The effects of Ngai Tahu’s iwi planning documents on the SWAP

Figure 1: Location of the SWAP area in the wider Christchurch City and Banks Peninsula District context (CCC, 2009, 15)



The SWAP is a structural plan under the Urban Development Strategy which focuses on one of Christchurch’s key growth areas (Figure 1). There are provisions that Ngai Tahu runanga must be consulted in the implementation of this plan (CCC, 2009, 8 and 70); however, no indications show that iwi planning documents directly influenced its preparation. Some of the key issues identified (ibid, 26) and the respective goals (ibid, 38-43) concern aspects that are covered by the *Freshwater Policy* and *Te Waihora Joint Management Plan* – For example water environment, ecology, landscape – but to say that there is a direct connection between the SWAP and these documents would be highly speculative. More specific reference is made to tangata whenua values in general terms. One of the goals is to “actively protect and restore

values significant to tangata whenua, both historic and contemporary” (CCC, 2009, 46), with a detailed map where such sites of significance are located (ibid, 47).

Overall, it can be concluded that Ngai Tahu’s planning documents had very little influence on the SWAT, at least as far as specific, explicit issues are concerned. However, one can ask the question whether these documents are specific enough to allow for such a direct influence; this will be addressed in more detail in the following paragraphs. The claim that “the council must *develop methods* to ensure tangata whenua values are embraced by all those involved in the development of the South-West” (CCC, 2009, 27; own emphasis) suggests that this is not sufficiently reached by the existing iwi planning documents. What might have been achieved, though, is an increased general awareness of tangata whenua values.

4.1. Suggested improvements to Te Runanga o Ngai Tahu Freshwater Policy

The *Freshwater Policy* has been chosen for the purpose of critically reviewing options to enhance its effectiveness on statutory plans prepared under the RMA for two reasons:

- The perceived shortcomings of this document to make detailed provisions concerning its implementation, especially as compared to *Te Waihora Management Plan*; and
- Its significance as an official iwi planning document for resource management, as opposed to *Ngai Tahu 2025*, which mainly affects and concerns iwi themselves.

It has been shown above that there are major shortcomings in iwi planning documents to enable a shift from the general to a more specific level of resource management. An example within the *Freshwater Policy* that demonstrates this is the whole chapter “Ngai Tahu’s Freshwater Policy Statement” (Te Runanga o Ngai Tahu, 1999, 29-45). Although it provides a good overview of strategies and connects them with Ngai Tahu’s values, it does not specifically state where, by whom, and when these strategies

should be implemented. Ngai Tahu seem to be rather clear about the role they want to play themselves in resource management, but not so much about their interface to other authorities. A possible improvement would be to address these interfaces more specifically – not just mentioning “the council” or “resource managers”, but being more precise. Including maps, drawings, or similar graphical resources might furthermore improve effectiveness; the plan completely lacks this kind of supporting material.

The *Freshwater Policy* makes an attempt at showing how Ngai Tahu understand water and what this means for resource management (Te Runanga o Ngai Tahu, 1999, 14-16). However, in its core there is still little that distinguishes this iwi planning document from plans of other authorities, e.g. regional councils, which usually also include Maori terms and values. It would be worthwhile to investigate whether a more uniquely indigenous approach – however this might look like – could improve recognition and thus also effectiveness.

The suggested improvements have been mainly influenced by postmodern and poststructuralist literature on indigenous planning (e.g. Popke, 2003; Prout and Howitt, 2009; Barry and Porter, 2011). These theories underline that indigenous people frequently have different conceptualizations of natural space and societal organization than their colonizing powers, and that planning and policymaking tends to impose a rational eurocentric system even in a postcolonial context. Barry and Porter (2011) highlight the importance of the “contact zone”, which can be defined as “the social spaces where cultures meet, clash and grapple with each other, often in contexts of highly asymmetrical relations of power [...]” (Pratt, 1991; cited in Barry and Porter, 2011). At this contact zone, writing planning texts can on the one hand lead to freezing indigenous people in established categories; on the other hand, it can mediate institutional change. To understand this it is not enough to look at the written document in isolation, but it is necessary to examine its interpretation and practical application (Barry and Porter, 2011).

5. CONCLUSION

Looking at the development of both statutory Maori planning and general statutory planning, it can be concluded that each has shown attempts at including postmodern approaches, be it in the form of participatory (RMA) or integrative (WTRCSA) planning. However, the planning regime in its fundamentals is still rational, based on hierarchical structures and hegemonic power relationships. It is difficult to discern a general tendency at this stage, but the most recent MCAA includes some subversive features which might shift the balance. What this means for planning practice has yet to be seen.

Poststructuralist and postmodern planning theory requires the need to look beyond the planning document itself, and to regard it in the larger context of interpretation and implementation. This is exactly what has been done in the second section of this article, and it can be concluded that although Ngai Tahu's *Freshwater Policy* incorporates some features of subversive planning, there is ample room for improvement to make it both an outstanding and effective iwi planning document.

The findings from both sections indicate that efforts are made by the traditional "owners" of the planning system as well as by Maori to lift indigenous planning in New Zealand to a level of *real* empowerment and participation. However, there are deficiencies as both sides to turn these good intentions into practice, because difficulties are encountered when incorporating indigenous knowledge, organization, and customs into structures that are deeply rooted in the European system of governing space. Referring to the question posed in the introduction to this article, provisions for allowing planning by Maori exist in the legislation, but this does not automatically guarantee that it happens in practice.

Finally, it must be acknowledged that Maori as well as European descendants live in New Zealand as one nation, and that planning takes place under the common goal of ensuring the wellbeing of present and future generations. In this context it is important to find ways of spatial governance that are mutually satisfying while allowing at the same time to achieve the desired outcomes. Conversely, recent developments show the tendency to alienate "indigenous" and

"non-indigenous" planning (one of the indications for this being the constant distinction between the two) instead of developing mechanisms for reconciliation and for profiting from cultural diversity.

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